

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Approval of Public Utilities Code Section 748.5 Customer Outreach Plan for 2014 and 2015.

Application 13-08-026
(Filed August 30, 2013)

And Related Matters.

Application 13-08-027
Application 13-09-001
Application 13-09-002
Application 13-09-003

DECISION AWARDING INTERVENOR COMPENSATION TO CENTER FOR ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 16-06-041

| | |
|--|--|
| Intervenor: Center for Accessible Technology (CforAT) | For contribution to Decision (D.) D.16-06-041 and Resolution E-4611 |
| Claimed: \$27,759.50 | Awarded: \$27,773.50 |
| Assigned Commissioner: Carla J. Peterman | Assigned ALJ: Michelle Cooke |

PART I: PROCEDURAL ISSUES

| | |
|--|--|
| A. Brief description of Decision: | The Decision concludes that the requirements of Public Utilities Code §748.5(b) regarding customer outreach plans for greenhouse gas allowances have been met and that ongoing messaging should occur as part of the statewide marketing and education campaign under development in another proceeding. |
|--|--|

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

| | Intervenor | CPUC Verified |
|---|-------------------|----------------------|
| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference (PHC): | October 28, 2013 | Verified. |
| 2. Other specified date for NOI: | N/A | |
| 3. Date NOI filed: | November 27, 2013 | Verified. |

| | | |
|---|-----------------|---|
| 4. Was the NOI timely filed? | | Yes, Center for Accessible Technology (CforAT) timely filed the notice of intent to claim intervenor compensation. |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | A.15-07-009 | Verified. |
| 6. Date of ALJ ruling: | 11/20/15 | Verified. |
| 7. Based on another CPUC determination (specify): | N/A | |
| 8. Has the Intervenor demonstrated customer or customer-related status? | | Yes, CforAT demonstrated appropriate status. |
| Showing of “significant financial hardship” (§ 1802(g)): | | |
| 9. Based on ALJ ruling issued in proceeding number: | A.15-07-009 | While the A.15-07-009 ruling demonstrates CforAT’s significant financial hardship, it is not applicable to the present proceeding. The Ruling is outside of the one-year window for the rebuttable presumption of hardship to apply. The Commission, however, stated CforAT demonstrated significant financial hardship in R.12-06-013. |
| 10. Date of ALJ ruling: | 11/20/15 | 2/25/13 |
| 11. Based on another CPUC determination (specify): | N/A | |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes, CforAT demonstrated a rebuttable presumption of significant financial hardship. |
| Timely request for compensation (§ 1804(c)): | | |
| 13. Identify Final Decision: | D.16-06-041 | Verified. |
| 14. Date of issuance of Final Order or Decision: | 6/24/16 | Verified. |
| 15. File date of compensation request: | August 23, 2016 | Verified. |
| 16. Was the request for compensation timely? | | Yes, CforAT timely filed |

| | |
|--|-------------------------------|
| | the request for compensation. |
|--|-------------------------------|

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).**

| Intervenor's Claimed Contribution(s) | Specific References to Intervenor's Claimed Contribution(s) | CPUC Discussion |
|---|--|------------------------|
| 1. CforAT worked to ensure that education and outreach regarding the GHG allowance would be effective, including efforts to reach hard-to-reach customers and accessible communications with customers with disabilities, as well as general customer understanding. | CforAT worked to ensure that outreach efforts effectively target hard-to-reach customers, including people with disabilities through use of accessible formats. <i>See</i> CforAT Comments on Res.E-4611, submitted on October 7, 2013, addressing outreach to hard-to-reach populations, including people with disabilities (Resolution E-4611 rejected IOU Advice Letters for failing to provide effective messaging and failing to eliminate duplicative spending. <i>See</i> Final Decision at p. 3); CforAT and Greenlining Joint Comments on Scoping Memo (Joint Comments on Scoping Memo), filed on March 6, 2015 at pp. 1-3; CforAT and Greenlining Opening Brief on Joint Assigned Commissioner's and Administrative Law Judge's Ruling and Scoping Memo (Joint Scoping Memo Brief), filed on May 29, 2015, at pp. 1-2. | Verified. |
| 2. Consistent with overall efforts to improve customer awareness and understanding, CforAT supported changing the naming flexibility to improve customer understanding of the GHG program. | Opening Brief of the Greenlining Institute, Natural Resources Defense Council, and the Center for Accessible Technology on Phase 1 Issues (Joint Phase 1 Brief), filed on December 6, 2013, at p. 7. | Verified. |
| 3. CforAT worked to ensure that the GHG allowance program would be managed in an effective and cost-effective manner, including efficient governance and oversight of outreach efforts (including efforts to address flaws in the IOUs' 2013 greenhouse gas allowance education and outreach plans, which were eventually rejected in Resolution E-4611). | <i>See e.g.</i> CforAT Comments on Resolution E-4611, submitted on October 7, 2013. Initially, the Commission rejected the IOUs' proposals for outreach as lacking competitive neutrality and failing to provide efficient and effective messaging. <i>See</i> Final Decision at pp. 3-4, discussion Resolution E-4611. | Verified. |

| | | |
|---|---|-----------|
| As part of efforts to support effective governance, CforAT supported ongoing reliance on a third party administrator to oversee an effective and efficient outreach program. | <i>See, e.g.</i> Joint Phase 1 Brief at pp. 2-3; Joint Scoping Memo Brief at pp. 3-4. | |
| 4. CforAT worked to ensure that the focus of the outreach effort pursuing “maximum feasible public awareness” should be based on consumer action, not just awareness. | <i>See</i> CforAT Comments on CSE Advice Letter 45 regarding metrics for evaluating outreach success, submitted on January 21, 2014 (the advice letter was eventually withdrawn); Joint Phase 1 Brief at pp. 4-5; Joint Comments on Scoping Memo at p. 4; Joint Scoping Memo Brief at pp. 2-3 and 6-7. The Commission agreed. Final Decision at pp. 8-9, p. 15 (FOF 4) and p. 16 (COL 3). | Verified. |
| 5. CforAT worked to ensure that education and outreach regarding the GHG allowance would be conducted in a manner consistent with other education and outreach efforts, including support for consolidating outreach on the climate credit with other statewide ME&O efforts. | <p>Consistent with comments provided by CforAT, the Commission referred outreach efforts to a neutral third party. <i>See</i> CforAT Comments on Res. E-4611 addressing need for IOUs to work with a neutral partner on messaging that would be consistent with other statewide marketing efforts; Joint Phase I Brief at pp. 4-5; Joint Scoping Memo Brief at pp. 4-6. CforAT also supported efforts to ensure that all related outreach is managed consistently. <i>See e.g.</i> Joint Comments on Scoping Memo at pp. 5-6.</p> <p>The Final Decision determines that the goal of moving customers from awareness to action does not require a separate marketing approach specifically regarding the climate credit and thus consolidates the effort with the overall statewide marketing campaign under development in A.12-08-007 (in which CforAT is also a party). The Final Decision makes clear that the record developed in this proceeding is available for consideration in the statewide effort. Final Decision at pp. 9-10.</p> | Verified. |

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

| | Intervenor's Assertion | CPUC Discussion |
|---|-------------------------------|--|
| a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹ | Yes | Verified. |
| b. Were there other parties to the proceeding with positions similar to yours? | Yes | Verified. |
| c. If so, provide name of other parties: The Greenlining Institute, Marin Clean Energy (previously known as Marin Energy Authority), Natural Resources Defense Council | | Agreed. |
| d. Intervenor's claim of non-duplication: <p>CforAT and the Greenlining Institute shared similar interests in ensuring that outreach effectively targets hard-to-reach customers and in moving customers toward action. Because of these overlapping interests, CforAT and Greenlining coordinated closely throughout the proceeding filing most substantive documents jointly (and in one case also in coordination with NRDC). In preparing joint filings, each party took responsibility for portions of the document in order to work efficiently.</p> <p>In addition to this close coordination with Greenlining, CforAT worked with other parties with similar overall interests as appropriate. Generally, these efforts were complementary rather than duplicative. For example, CforAT/Greenlining and MCE at times sought the same outcome based on different perspectives and analysis, as when each party supported use of a third party administrator to manage the outreach and education effort. While each party had the same goal, MCE was more focused on competitive neutrality among IOUs and CCAs, while CforAT and Greenlining were more focused on effective communication with customers.</p> | | Agreed, CforAT did not engage in excessive duplication with other parties. |

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

| a. Intervenor's claim of cost reasonableness: | CPUC Discussion |
|--|------------------------|
| <p>While it is difficult to attach a dollar value to the benefits obtained by CforAT's constituency in this matter, the policy benefits are clear. The climate dividend (through its various naming incarnations) is an important benefit to consumers, and all customers should have the opportunity to understand its role as a matter of state policy and receive education on how to use it to support action to benefit the climate (and to improve their own energy efficiency or other forms of energy management). CforAT worked to ensure that the program overall was managed effectively and efficiently, and specifically to ensure that our constituency of customers with disabilities will be targeted to receive the educational information and be urged to action, consistent with non-disabled ratepayers. Customers with</p> | Verified. |

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

| | |
|--|-----------|
| <p>disabilities, who rely on CforAT to advocate for their interests before the Commission, generally cannot afford individual representation</p> <p>The outcome of the proceeding includes a review of outreach to date, the effectiveness of which was advanced through CforAT's participation, as well as a plan to incorporate further messaging into the pending statewide effort, a position CforAT supported as improving effectiveness and efficiency.</p> <p>Because CforAT's participation advanced the overall goals of the proceeding, our number of hours was reasonable and the proceeding was staffed and managed efficiently, the benefits provided through CforAT's efforts bear a reasonable relationship with the reasonable costs incurred and support an award of compensation.</p> | |
| <p>b. Reasonableness of hours claimed:</p> <p>In our NOI, CforAT estimated that we could claim 60 hours of work in this proceeding; our actual claim seeks compensation for 56.5 hours. As described below, the time spent addressed the anticipated issues and resulted in beneficial outcomes for our constituency. Time was spent appropriately on issues and activities within the scope and procedural structure of the proceeding.</p> | Verified. |
| <p>c. Allocation of hours by issue:</p> <p>In our NOI, CforAT estimated that our time would be allocated as follows:</p> <ul style="list-style-type: none"> - 50%: Effective awareness of the Climate Dividend among hard-to-reach communities, including particularly consumers with disabilities/effective, targeted outreach, including through appropriate channels (such as CBOs) and in appropriate formats; - 20% : Effective and cost-effective governance and oversight of outreach efforts; - 20% : Effective coordination with other education and outreach efforts; - 10% : General matters. <p>The NOI estimates were generally accurate in predicting the key issues that were relevant to the proceeding. Upon review, CforAT clarifies the issues and what each contains. As clarified, these are the issues identified in the "Task" column of CforAT's detailed time records.</p> <p>Effective Communication: This issue includes efforts successfully to reach all customers, including concepts like naming flexibility, as well as targeted efforts to ensure that communications are accessible to customers with disabilities. It also includes CforAT's focus on urging customers to action, and use of appropriate metrics to track the effectiveness of communications. Work on effective communication included efforts to address key advice letters related to this proceeding as well as work directly addressing the applications.</p> <p>Oversight: This issue addresses the need for effective and cost-effective oversight, and primarily entailed efforts to address the division of responsibility between the IOUs and the third-party consultant. While this was a significant issue, it was never addressed in an isolated fashion; thus it does not appear as a separate entry on CforAT's detailed time records. Instead, these efforts were</p> | Verified. |

| | |
|---|--|
| <p>incorporated into the “mix” as described below.</p> <p>Coordination: This issue includes consideration of how to best coordinate the work in this proceeding with the statewide ME&O effort (A.12-08-007 et al.), but also includes coordination with other pending proceedings, such as the earlier OIR on greenhouse gas issues, R.11-03-012.</p> <p>Mix: As noted above, much of the substantive work in this proceeding addressed a mix more than one of issues at the same time. For example, the early briefing in 2013, the comments on the Scoping Memo (and subsequent workshop) in 2015, and other filings considered matters relevant to each of these key issues. For this reason, multiple entries are labeled “Mix.”</p> <p>General Participation: This includes procedural matters and other work necessary to participate in the overall proceeding, such as review of materials prepared by other parties.</p> <p>Overall, CforAT’s detailed time records indicate the following breakdown by issue:</p> <p>26%: Effective Communication (14.7 hours of 56.5 total)</p> <p>3%: Coordination (1.9 hours of 56.5 total)</p> <p>51%: Mix (28.9 hours of 56.5 total. CforAT estimates that the breakdown within Mix is approximately 60% Effective Communication, 20% Oversight, and 20% Coordination, particularly with the statewide MEO proceeding).</p> <p>19%: General Participation(11.0 hours of 56.5 total)</p> | |
|---|--|

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
|-------------------------------------|------|-----------|---------|---|----------|------------------------|---------|-----------|
| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hour s | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate \$ | Total \$ |
| Melissa W. Kasnitz | 2013 | 22.2 | \$440 | D.13-11-007 | \$9,768 | 22.20 | 440.00 | 9,768.00 |
| Melissa W. Kasnitz | 2014 | 5.9 | \$450 | D.15-01-047 | \$2,655 | 5.90 | 450.00 | 2,655.00 |
| Melissa W. Kasnitz | 2015 | 26.5 | \$450 | D.14-12-046 | \$11,925 | 26.50 | 450.00 | 11,925.00 |
| Melissa W. Kasnitz | 2016 | 1.9 | \$455 | Res.ALJ-329, issued on 4/5/16, applying 1.28% COLA to 2015 rate | \$850.50 | 1.90 | 455.00 | 864.50 |
| Subtotal: \$25,198.50 | | | | | | Subtotal: \$ 25,212.50 | | |
| | | | | | | | | |

| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
|---|--------------------------------------|-------|---------------|---|----------|--------------------------|--------|----------|
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours | Rate | Total \$ |
| Melissa W. Kasnitz | 2013 | 1.3 | \$220 | ½ standard rate | \$286 | 1.30 | 220.00 | 286.00 |
| Melissa W. Kasnitz | 2016 | 10.0 | \$227.50 | ½ standard rate | \$2,275 | 10.0 | 227.50 | 2,275.00 |
| Subtotal: \$2,561.00 | | | | | | Subtotal: \$2,561.00 | | |
| TOTAL REQUEST: \$ 27,759.50 | | | | | | TOTAL AWARD: \$27,773.50 | | |
| <p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p> | | | | | | | | |
| ATTORNEY INFORMATION | | | | | | | | |
| Attorney | Date Admitted to CA BAR ² | | Member Number | Actions Affecting Eligibility? | | | | |
| Melissa W. Kasnitz | December 24, 1992 | | 162679 | No, but Kasnitz maintained inactive status from January 1, 1993 until January 25, 1995, and from January 1, 1996 until February 19, 1996. | | | | |

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))**

| | |
|---|------|
| A. Opposition: Did any party oppose the Claim? | No. |
| B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))? | Yes. |

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

FINDINGS OF FACT

1. CforAT has made a substantial contribution to D.16-06-041.
2. The requested hourly rates for CforAT's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$27,773.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Center for Accessible Technology shall be awarded \$27,773.50.
2. Within 30 days of the effective date of this decision, San Diego Gas and Electric Company shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 06, 2016, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

| | | | |
|----------------------------------|------------------------------------|---------------------------|----|
| Compensation Decision: | | Modifies Decision? | No |
| Contribution Decision(s): | D1606041 | | |
| Proceeding(s): | A1308026 | | |
| Author: | ALJ Cooke | | |
| Payer(s): | San Diego Gas and Electric Company | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|---|-------------------|-------------------------|-----------------------|--------------------|-----------------------------------|
| Center for Accessible Technology (CforAT) | 08/23/16 | \$27,759.50 | \$27,773.50 | N/A | N/A |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|-------------------|-----------------------------|----------------------------------|---------------------------|
| Melissa | Kasnitz | Attorney | CforAT | \$440.00 | 2013 | \$440.00 |
| Melissa | Kasnitz | Attorney | CforAT | \$450.00 | 2014 | \$450.00 |
| Melissa | Kasnitz | Attorney | CforAT | \$450.00 | 2015 | \$450.00 |
| Melissa | Kasnitz | Attorney | CforAT | \$455.00 | 2016 | \$455.00 |